

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 024437
ORIGIN AF-10

INFO OCT-01 ISO-00 SS-15 SSO-00 HA-05 SP-02 IO-13
NSCE-00 PM-05 /051 R

DRAFTED BY AF/S:KMCCORMICK:DH
APPROVED BY AF:WHARROP
AF/S:LMACFARLANE
AF/I:LSHURTLEFF
D:SOXMAN (SUBS)
HA/HR:RMAXIM (SUBS)
AF/S:DPETTERSON

-----094566 302344Z /72

O 302252Z JAN 78
FM SECSTATE WASHDC
TO AMEMBASSY MBABANE IMMEDIATE
INFO AMEMBASSY GABORONE IMMEDIATE

LIMITED OFFICIAL USE STATE 024437

E.O. 11652:N/A

TAGS: SHUM, WZ

SUBJECT: SWAZILAND HUMAN RIGHTS REPORT

REF: 22819

I. FOLLOWING IS FINAL TEXT OF APPROVED UNCLASSIFIED
HUMAN RIGHTS REPORT ON SWAZILAND. PLEASE CONVEY AS
SOON AS POSSIBLE TO GOS. TEXT FOLLOWS. QUOTE:

SWAZILAND IS GOVERNED BY THE HEREDITARY MONARCH OF
THE TRIBAL SWAZI NATION. IN THEORY, HIS POWERS ARE
NOT CIRCUMSCRIBED BY WRITTEN LEGAL GUARANTEES OF
HUMAN RIGHTS: IN PRACTICE, HOWEVER, HIS AUTHORITY IS
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 024437

LIMITED BY A COMPLEX SYSTEM OF TRADITIONAL RIGHTS AND
RESPONSIBILITIES. IN 1973, DESPITE HIS PARTY'S OVER-
WHELMING VICTORY IN FREE ELECTIONS, THE KING SUSPENDED
THE "WESTERN" CONSTITUTION AND PARLIAMENT WHICH SWAZILAND
INHERITED FROM BRITAIN ON ITS INDEPENDENCE IN 1968 AND
ANNOUNCED HIS INTENTION TO RETURN TO GOVERNMENT THROUGH
TRADITIONAL TRIBAL INSTITUTIONS. AT THAT TIME THE

INTERNATIONAL COMMISSION OF JURISTS FEARED THAT THIS
COULD PROVE A "SERIOUS SETBACK" FOR HUMAN RIGHTS,
OBSERVING THAT "SWAZILAND HAS ALWAYS BEEN REGARDED AS
ONE OF THE MOST ENLIGHTENED COUNTRIES IN AFRICA IN TERMS

OF CIVIL RIGHTS AND RACE RELATIONS." CRITICS BELIEVE
THE ATTEMPT TO REVIVE A TRADITIONAL AND AUTOCRATIC, IF
BENEVOLENT, SYSTEM OF GOVERNMENT WILL NOT PROVE
SUFFICIENTLY FLEXIBLE TO ACCOMMODATE INCREASING DEMANDS
FOR MORE MODERN MECHANISMS FOR POLITICAL PARTICIPATION.
TO DATE, HOWEVER, DESPITE THE LACK OF WRITTEN LEGAL
SAFEGUARDS THERE HAS BEEN NO SIGNIFICANT DEGRADATION OF
RESPECT FOR HUMAN RIGHTS.

I. RESPECT FOR THE INTEGRITY OF THE PERSON, INCLUDING
FREEDOM FROM:

A. TORTURE

THERE HAVE BEEN NO ALLEGATIONS OF TORTURE IN SWAZILAND.

B. CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

THERE IS NO EVIDENCE THAT PERSONS IN SWAZILAND (INCLUDING
POLITICAL PRISONERS) HAVE BEEN SUBJECTED TO CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT.
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 024437

C. ARBITRARY ARREST OR IMPRISONMENT

SWAZILAND'S 1973 SECURITY ACT AUTHORIZES THE ARREST
AND DETENTION WITHOUT CHARGE FOR RENEWABLE PERIODS OF
60 DAYS OF PERSONS SUSPECTED OF ACTING AGAINST THE
INTERESTS OF THE STATE. THE GOVERNMENT CONTINUES TO
USE THIS AUTHORITY TO JAIL ITS CRITICS FOR SHORT
PERIODS WITHOUT TRIAL AND WITHOUT ANNOUNCEMENT OF THE
REASONS FOR THEIR DETENTION. AMNESTY INTERNATIONAL
PROTESTED THE DETENTION IN 1976 OF DR. ZWANE, LEADER
OF A SMALL OPPOSITION PARTY, BECAUSE OF AN ARTICLE HE
WROTE FOR A SOUTH AFRICAN NEWSPAPER CONCERNING SWAZILAND'S
FOREIGN POLICY. HE WAS SUBSEQUENTLY RELEASED. AT LEAST
FOUR PERSONS ARE CURRENTLY THOUGHT TO BE IN DETENTION
FOR OFFENSES RANGING FROM POLITICAL OPPOSITION TO
ALLEGED DISRESPECT FOR THE ROYAL FAMILY.

D. DENIAL OF FAIR PUBLIC TRIAL

THE JUDICIARY IN SWAZILAND IS INDEPENDENT AND RESPECTED.
IT WILL GIVE A FAIR HEARING OR PUBLIC TRIAL TO PERSONS

CLAIMING VIOLATIONS OF THEIR HUMAN RIGHTS. A DUAL SYSTEM OF COURTS WITH RIGHTS OF APPEAL HAS BEEN USED WITH CONSIDERABLE FLEXIBILITY AND HUMANENESS TO ASSURE RECOURSE TO BOTH MODERN ROMAN-DUTCH AND TRADITIONAL SWAZI LAW TO FIT INDIVIDUAL CASES.

2. GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF SUCH VITAL NEEDS AS FOOD, SHELTER, HEALTH CARE, AND EDUCATION

THE GOVERNMENT OF SWAZILAND HAS LAUNCHED A RURAL DEVELOPMENT PLAN DESIGNED TO IMPROVE THE STANDARD OF LIVING OF THE MAJORITY OF SWAZIS WHO DEPEND ON SUBSISTENCE AGRICULTURE FOR A LIVELIHOOD. HOWEVER, SOME CRITICS OF LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 04 STATE 024437

THE GOVERNMENT CHARGE THAT ITS ECONOMIC DEVELOPMENT POLICY DOES NOT ADEQUATELY ADDRESS THE NEEDS OF THE POORER SECTORS OF THE POPULATION. THE GOVERNMENT TOLERATES WIDESPREAD NEPOTISM AND PETTY CORRUPTION. AS A RESULT, SIGNIFICANT RESOURCES HAVE BEEN DIVERTED FROM THE RURAL POOR MAJORITY.

3. RESPECT FOR CIVIL AND POLITICAL LIBERTIES, INCLUDING

A. FREEDOM OF THOUGHT, SPEECH, PRESS, RELIGION AND ASSEMBLY

SWAZILAND PROTECTS THE RIGHTS OF ITS CITIZENS TO FREEDOM OF THOUGHT AND RELIGION. FREEDOM OF SPEECH, INCLUDING THE RIGHT TO CRITICIZE GOVERNMENTAL POLICIES, IS PART OF THE SWAZI TRADITION AND IS STRICTLY RESPECTED SO LONG AS THE SPEAKING IS DONE IN THE TRIBAL COUNCILS DESCRIBED IN 3 C BELOW. FREE ASSEMBLY FOR POLITICAL ACTIVITY OUTSIDE THIS FRAMEWORK, HOWEVER, IS NOT PERMITTED. THE PRESS AND RADIO ARE SUBJECT TO GOVERNMENT CONTROL AND OCCASIONAL CENSORSHIP. INFORMATION DISSEMINATION IS NOT VIGOROUSLY CONTROLLED: CONSIDERABLE LATITUDE IS ALLOWED TO PRIVATELY-OWNED PUBLICATIONS. SWAZILAND DOES NOT PERMIT TRADE UNIONS, A RESTRICTION WHICH CONTRIBUTED TO A BRIEF AND UNUSUAL OUTBREAK OF PROTEST AND VIOLENCE IN LATE 1977.

B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY, FOREIGN TRAVEL AND EMIGRATION

SWAZILAND PERMITS FULL FREEDOM OF MOVEMENT WITHIN THE COUNTRY BUT RESTRICTS THE FREEDOM TO EMIGRATE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 05 STATE 024437

C. FREEDOM TO PARTICIPATE IN THE POLITICAL PROCESS

THE GOVERNMENT OF SWAZILAND CONSIDERS ITSELF RESPONSIBLE TO THE PEOPLE OF THE TRIBAL SWAZI NATION BUT BELIEVES THAT ITS LEGITIMACY IS DERIVED THROUGH NATIONAL TRADITION RATHER THAN ELECTORAL PROCESSES. IT SEEKS TO TAKE ACCOUNT OF THE WILL OF THE POPULATION, BUT PROVIDES FEW

MECHANISMS FOR ITS ORGANIZED EXPRESSION. SINCE THE DISSOLUTION OF PARLIAMENT IN 1977, KING SOBHUZA HAS RULED AS KING-IN-COUNCIL WITH ADVICE FROM THE FORMER CABINET AND TRIBAL CHIEFS. IN 1977 THE KING PROPOSED A NEW SYSTEM FOR SELECTING POPULAR REPRESENTATIVES BASED ON THE TRADITIONAL TRIBAL COUNCILS OR TINKHUNDLA, IN WHICH ALL SWAZI CITIZENS CAN SPEAK OUT ON ISSUES OF POLITICAL CONCERN. WHILE THIS METHOD OFFERS NO OPPORTUNITY FOR ELECTIONS OR OTHER FORMAL MECHANISMS FOR POLITICAL PARTICIPATION, IT IS DEFENDED BY THE GOVERNMENT AS BETTER SUITED TO SWAZI CUSTOMS AND APPEARS TO ENJOY BROAD SUPPORT AMONG THE TRADITION-ORIENTED SWAZI POPULATION.

4. GOVERNMENT ATTITUDE AND RECORD REGARDING INTERNATIONAL AND NON-GOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

THE GOVERNMENT OF SWAZILAND HAS NOT ATTEMPTED TO RESTRICT INDEPENDENT INVESTIGATION OF THE HUMAN RIGHTS SITUATION IN ITS COUNTRY. IT IS SENSITIVE TO EXPRESSIONS OF INTERNATIONAL CONCERN ABOUT SPECIFIC ALLEGATIONS AND IN 1977 COOPERATED WITH INQUIRIES BY THE UN HIGH COMMISSION FOR REFUGEES INTO CHARGES THAT IT WAS PURSUING A POLICY OF "BENIGN NEGLECT" TOWARD POLITICAL REFUGEES FROM SOUTH AFRICA AND MOZAMBIQUE. IT ACCEPTS FULL RESPONSIBILITY FOR THE PROTECTION OF THE HUMAN RIGHTS OF ITS CITIZENS AND DOES NOT ATTEMPT TO COVER UP ANY VIOLATIONS OF THOSE

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 06 STATE 024437

RIGHTS WHICH MAY OCCUR UNDER ITS SYSTEM OF LIMITED LEGAL SAFEGUARDS AND POLITICAL RIGHTS. UNQUOTE. VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: HUMAN RIGHTS, ANNUAL REPORTS
Control Number: n/a
Copy: SINGLE
Draft Date: 30 jan 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE024437
Document Source: CORE
Document Unique ID: 00
Drafter: KMCCORMICK:DH
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780044-1202
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978017/aaaaafgd.tel
Line Count: 219
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: fe3afce3-c288-dd11-92da-001cc4696bcc
Office: ORIGIN AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 28 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3783678
Secure: OPEN
Status: NATIVE
Subject: SWAZILAND HUMAN RIGHTS REPORT
TAGS: SHUM, WZ
To: MBABANE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/fe3afce3-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014